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REMARKS

In the Office action, the examiner indicated that claims 1-8 have been allowed but claims 9-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Slipy in view of Barnes. In this response, claims 9 and 10 are canceled and claim 11 is put in independent form. The rejection of independent claims 11, 12, and 17 is traversed.

According to the method of claim 12, an electronic device with a base having a first surface is manufactured to accept an ornamental insert on the base first surface. For example, an embodiment of the present invention includes a base section that has a retention feature. A replaceable insert may fit within the retention feature. Specification, page 8, lines 14-21. Because neither Slipy nor Barnes discloses manufacturing a base section having a first section manufactured to accept an ornamental insert thereon, claim 12 is not obvious.

The examiner concedes that Slipy does not disclose a replaceable ornamental insert. Paper No. 081806, page 3. Therefore, Slipy does not disclose manufacturing an electronic device with a base having a first surface manufactured to accept an ornamental insert on the first surface. Barnes does not cure the deficiency of Slipy. For example, Barnes's decorative appliqué is either placed over a faceplate, or is attached to the underside of the faceplate, received within a slot on the faceplate, or is sandwiched between two half-sections of a faceplate. See Figures 2-4; column 1, lines 36-40; column 4, lines 4-5, 24-25, and 66-68. Thus, in each of Barnes's embodiments, the appliqué is associated with the faceplate and not the housing 10. In fact, in one of Barnes's embodiments the appliqué is sandwiched between two halves of a faceplate without having contact with the housing 10. Clearly, Barnes does not explicitly teach acceptance by the housing 10. Because neither Barnes nor Slipy disclose a base as claimed, claim 12 and claims dependent thereon are not obvious.

With respect to claim 17, an electronic device includes a faceplate that covers all of an upper surface of a base of the electronic device and that has a substantially transparent section. In one embodiment of the present invention, a display may be visible through a faceplate. Specification at page 6, lines 17-21. In another embodiment, a faceplate (e.g., 1301) may fit on top of a base section 1101 and it may be retained thereon. Specification at page 8, lines 23-25, Figures 11 and 13. Neither Slipy nor Barnes teaches a transparent faceplate that covers all of the base upper surface. That is, both Slipy and Barnes have cut out portions in their faceplates. See, e.g., Figures 2 and 2-4 respectively. Thus, neither reference discloses a faceplate with a

transparent section that covers *all* of an upper surface of a base. Reconsideration of the rejection is requested.

According to claim 11, a first surface of a base includes an electronic display and a replaceable ornamental insert includes a display aperture. Neither Slipy nor Barnes, alone or in combination, discloses an ornamental insert that includes a display aperture.

For example, Slipy does not disclose a replaceable ornamental insert. Paper No. 081806, page 3. Thus, Slipy does not disclose a replaceable ornamental insert with a display aperture. Barnes does not cure the deficiency of Slipy. Referring to Figures 2-4 of Barnes and Figure 2 of Slipy, Barnes does not disclose a display lens such as display lens 126 of Slipy. Thus, Barnes does not provide an aperture in his appliqu  for such a display lens. Because Barnes does not teach such a thing, there is no reason to modify Slipy to do so.

This is especially true given that the appearance of Slipy's housing 102 should not be changed, which means the faceplate 104 and keypad 106 too should not be appreciably changed. Column 4, lines 33-49. For example, the keypad 106 is attached to the housing 102 and the faceplate 104 includes key holes to access the keys 108 of the keypad. Column 5, lines 33-47. Thus, the keypad 106 is between the faceplate 104 and the housing 102, but the keypad 106 is only a between portion of the housing 102 and faceplate 104. Nothing like the keypad 106 lies between the faceplate 104 and the housing 102 at the other end of the phone, where a lens aperture 160 and an ear cup 162 are located. Because neither Barnes nor Slipy disclose a member that includes an aperture for an electronic display and that is positioned between a housing and a faceplate, there is no reason to modify Slipy to include an ornamental insert that would include an aperture for a display. Accordingly, reconsideration of the rejection is requested.

Because neither Slipy nor Barnes, nor a combination thereof teach or suggest all of the limitations of claims 11, 12, and 17, *prima facie* obviousness has not been established for these claims or claims dependent thereon.

The examiner is reminded that reliance on official notice should be rare when an application is under final rejection. MPEP § 2144.03. And to the extent that the examiner's reliance on official notice constitutes a new ground of rejection—the finality of the Office action is improper. MPEP § 706.07(a). Thus, the examiner's assertions of official notice in the Response to Arguments section of the Office action are traversed and, if maintained the

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examiner is requested to withdraw the finality of the rejection. The examiner is requested to provide prior art that shows that it was well known in the art to provide a faceplate and ornamental insert as claimed. As has been established in the above remarks, neither cited reference discloses or suggests all of the limitations of the independent claims; therefore, it is submitted that the features of the claims are not in fact well known.

Additionally, the changes included herewith are proper as they merely cancel claims 9 and 10, which requires dependent claim 11 to be put in independent form. *See* 37 C.F.R. § 1.116(b) (1) (2).

CONCLUSION

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0624US).

Respectfully submitted,

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